

REMARKS

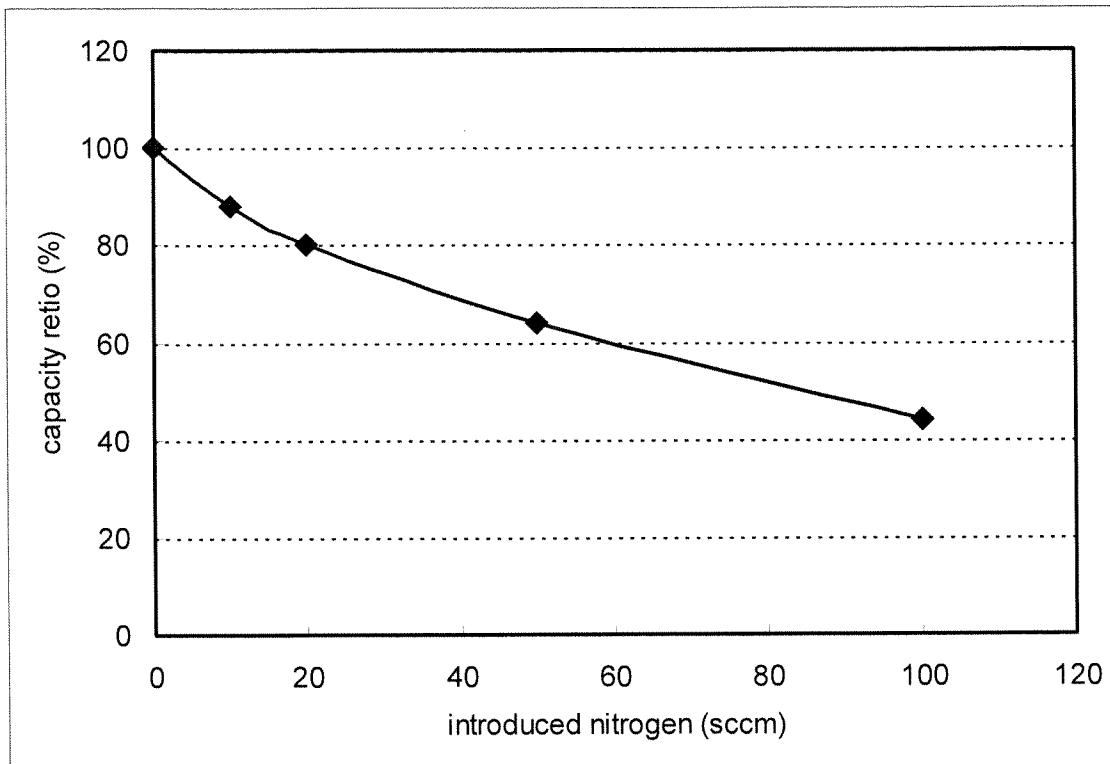
Claims 1-11 are currently pending in this application. Claims 8-10 were previously withdrawn by the Examiner following Applicant's response to the restriction requirement. Claims 1 and 6 are independent.

In view of the foregoing amendments and the following remarks, it is respectfully submitted that the claims are allowable and application should be passed to issue.

Patentability under 35 U.S.C. § 103(a)

Claims 1-7, 11 and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shimamura et al. WO 03/079469 (referencing English language equivalent US 2005/0287439) in view of Nakamoto (JP 2000-173612) and Kawakami (US 6,730,434). Applicant respectfully disagree with the rejections.

On page 3 of the Final Office Action mailed on December 22, 2011, ("the office action") it is conceded that neither Shimamura nor Nakamoto disclose that the basic material particle and silicon oxide film are formed in an inert atmosphere that is free of nitrogen as recited in independent claims 1 and 6. It is asserted in the office action that Kawakami teaches the grinding step of preparing an anode material is in an inert atmosphere such as argon. Based on this disclosure, it is concluded "when the inert atmosphere comprises argon, said atmosphere is free of nitrogen." However, in Kawakami, the electrode material is represented as M • A • X alloy, where X includes nitrogen as shown in SUMMARY OF THE INVENTION. Therefore, Kawakami does not teach or suggest that the atmosphere is free from nitrogen. In addition, as shown by the figure below, the more the atmosphere includes nitrogen, the less the battery capacity is.



Therefore, it is clear that Kawakami fails to teach or suggest a configuration in which the inert atmosphere is free of nitrogen, as claimed. As explained in the specification, on page 14, line 9-12 nitrogen may cause formation of silicon nitrides. Thus, the combination of the cited references does not teach or suggest all of the claimed features.

Accordingly, it is respectfully submitted that claims 1 and 6 and respective dependent claims 2-5, 7 and 11 are allowable over the cited references.

In view of the above remarks, Applicants respectfully submit that this application should be allowed and the case passed to issue. If there are any questions regarding this response or the application in general, a telephone call to the undersigned.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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